

REMARKS

Claims 18-79 remain in this application. Claims 1-17 have been canceled. Claim 18-79 has been withdrawn.

Please note that claims 18-53 are identical to claims 1-36 as filed in the Article 19 amendment of September 6, 2005. Claims 18-53, therefore, are identical to the claims that were found to meet the requirements of novelty, inventive step, and industrial applicability in the International Preliminary Report on Patentability of March 9, 2006, attached as an appendix.


Entry of the above amendments is earnestly solicited. An early and favorable first action on the merits is earnestly requested.

Should there be any matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON



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EJ/ia

**APPENDIX:**

The Appendix includes the following item(s):

- ☒ - PCT/IPEA/409 International Preliminary Report on Patentability

# PATENT COOPERATION TREATY

## PCT

### INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference <b>5574-1001</b>	<b>FOR FURTHER ACTION</b>		See Form PCT/IPEA/416																								
International application No. <b>PCT/US05/05616</b>	International filing date (day/month/year) <b>23 February 2005 (23.02.2005)</b>	Priority date (day/month/year) <b>23 February 2004 (23.02.2004)</b>																									
International Patent Classification (IPC) or national classification and IPC <b>IPC(7): C12M 1/36 and US Cl.: 435/286.5, 287.3, 293.1, 304.2</b>																											
Applicant <b>DE GRECY, EUDES FRANCOIS MARIE</b>																											
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>2</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p style="margin-left: 20px;">a. <input checked="" type="checkbox"/> (sent to the applicant and to the International Bureau) a total of <u>2</u> sheets, as follows:</p> <div style="margin-left: 40px;"> <input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).  <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.         </div> <p style="margin-left: 20px;">b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>																											
<p>4. This report contains indications relating to the following items:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 10%;"><input checked="" type="checkbox"/></td> <td style="width: 20%;">Box No. I</td> <td>Basis of the report</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. II</td> <td>Priority</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </table>				<input checked="" type="checkbox"/>	Box No. I	Basis of the report	<input type="checkbox"/>	Box No. II	Priority	<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/>	Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/>	Box No. VI	Certain documents cited	<input type="checkbox"/>	Box No. VII	Certain defects in the international application	<input type="checkbox"/>	Box No. VIII	Certain observations on the international application
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Date of submission of the demand <b>07 October 2005 (07.10.2005)</b>		Date of completion of this report <b>28 February 2006 (28.02.2006)</b>																									
Name and mailing address of the IPEA/US Mail Stop PCT, Attn: IPEA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (571) 273-3201		Authorized officer Richard Crispino Telephone No. 571-272-1700 <div style="text-align: right;"> <b>DEBORAH A. THOMAS</b>  <b>PATENT SPECIALIST</b>  <i>dat</i> </div>																									

**Box No. I Basis of the report**

1. With regard to the language, this report is based on:
- ☐ the international application in the language in which it was filed.
  - ☐ a translation of the international application into \_\_\_\_\_, which is the language of a translation furnished for the purposes of:
    - ☐ international search (under Rules 12.3 and 23.1(b))
    - ☐ publication of the international application (under Rule 12.4(a))
    - ☐ international preliminary examination (under Rules 55.2(a) and/or 55.3(a))
2. With regard to the elements of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):
- ☐ the international application as originally filed/furnished
  - ☒ the description:
    - pages 1-9 as originally filed/furnished
    - pages\* NONE received by this Authority on \_\_\_\_\_
    - pages\* NONE received by this Authority on \_\_\_\_\_
  - ☒ the claims:
    - pages None as originally filed/furnished
    - pages\* NONE as amended (together with any statement) under Article 19
    - pages\* 10-17 received by this Authority on 07 october 2005
    - pages\* NONE received by this Authority on \_\_\_\_\_
  - ☒ the drawings:
    - pages 1-7 as originally filed/furnished
    - pages\* NONE received by this Authority on \_\_\_\_\_
    - pages\* NONE received by this Authority on \_\_\_\_\_
  - ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages \_\_\_\_\_
  - ☐ the claims, Nos. \_\_\_\_\_
  - ☐ the drawings, sheets/figs \_\_\_\_\_
  - ☐ the sequence listing (*specify*): \_\_\_\_\_
  - ☐ any table(s) related to the sequence listing (*specify*): \_\_\_\_\_
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(e)).
- ☐ the description, pages \_\_\_\_\_
  - ☐ the claims, Nos. \_\_\_\_\_
  - ☐ the drawings, sheets/figs \_\_\_\_\_
  - ☐ the sequence listing (*specify*): \_\_\_\_\_
  - ☐ any table(s) related to the sequence listing (*specify*): \_\_\_\_\_

\* If item 4 applies, some or all of those sheets may be marked "superseded."

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.  
PCT/US05/05616**Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. Statement**

Novelty (N)	Claims <u>1-36</u>	YES
	Claims <u>NONE</u>	NO
Inventive Step (IS)	Claims <u>1-36</u>	YES
	Claims <u>NONE</u>	NO
Industrial Applicability (IA)	Claims <u>1-36</u>	YES
	Claims <u>NONE</u>	NO

**2. Citations and Explanations (Rule 70.7)**

Claims 1-36 meet the criteria set out in PCT Article 33(2)-(4), because the prior art does not teach or fairly suggest the device of claim 1 and the method of using the device as described in claim 13, specifically a means for moving the clamps and tubing as defined.